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| APPLICATION NO.                                              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/695,196                                                   | 10/27/2003  | Shigeru Suzuki       | FP03-103US          | 4278             |
| 1218                                                         | 7590        | 08/08/2006           | EXAMINER            |                  |
| CASELLA & HESPOS<br>274 MADISON AVENUE<br>NEW YORK, NY 10016 |             |                      | STRIMBU, GREGORY J  |                  |
|                                                              |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                              |             |                      | 3634                |                  |

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |                                      |  |
|------------------------------|---------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/695,196  | <b>Applicant(s)</b><br>SUZUKI ET AL. |  |
|                              | <b>Examiner</b><br>Gregory J. Strimbu | <b>Art Unit</b><br>3634              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8,10 and 11 is/are pending in the application.  
 4a) Of the above claim(s) 3, 4, 9, 12-18 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1,2,5-8,10 and 11 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 24 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/24/06</u> . | 6) <input type="checkbox"/> Other: _____                                                |

### ***Election/Restrictions***

Applicant's election of Groups I, III and V in the reply filed on October 26, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Accordingly, claims 3, 4, 9 and 12-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 26, 2005. It should be noted that the examiner erred in the previous Office action by designating claim 9 as being generic. Upon further review of claim 9, it has become apparent that claim 9 belongs in non-elected group IV. Therefore, claim 9 has not been examined.

### ***Drawings***

The drawings are objected to because the lead line for reference "39" in figures 3-5 requires an arrowhead. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fixing passage extending through the fixing portion must be shown or the feature canceled from claim 1. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

It appears that the recitation "13(E)-13(A)" on line 4 of paragraph 38 is a typographical error.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 1, 2, 5-8, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "portions of the slider" on line 8 of claim 1 and "portions of the guide passage" on line 13 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What elements comprise the portions of the slider and portions of the guide passage? It appears that the applicant is referring to a single portion of the slider rather than a plurality of portions and that the applicant is referring to a single portion of the guide passage rather than a plurality of portions of the guide passage. Recitations such as "the cable" on line 18 of claim 1 render the claims indefinite because it is unclear if the applicant is claiming the

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subcombination of a construction or the combination of a construction and a cable. The preamble of claim 1 implies the former while the positive recitation of the cable implies the latter. Recitations such as "a controlled bending deformation" on lines 19-20 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the controlled bending deformation set forth above or is attempting to set forth a controlled bending deformation in addition to the one set forth above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 2002-002288 in view of Gordon. Japanese Patent Publication No. 2002-002288 discloses a construction for guiding and supporting a cable 4 through a bending deformation, comprising a substantially linear rail 2; a slider 3 mounted to the rail for sliding substantially linearly along the rail, portions of the slider offset from the rail (not shown) having a slider passage extending therethrough, and a portion of the cable 4 (not numbered, but shown between the slider 3 and the fixing portion 11) formed to undergo a bending deformation, the portion of the cable 4 having a first end coupled to the slider 3 and a second end (not numbered, but shown connected to the fixing portion 9) spaced from the rail, a fixing portion 9 coupled to the

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second end of the cable guide and spaced from the rail, the fixing portion having a fixing passage (not numbered, but shown in figure 1) extending therethrough, a rail side engaging portion 14 is provided on a surface of the rail and the slider includes a slider side engaging portion (not numbered, but comprising the surface of the slider which engages the rail), a slider side opening (not numbered, but shown in figure 1 as the opening through which the cable 4 extends) of the slider 3 faces transversely of a sliding direction of the slider, a stretching part 4a, the rail has a curved section (not numbered, but comprising the curved end of the slot in the rail). Japanese Patent Publication No. 2002-002288 is silent concerning a cable guide.

However, Gordon discloses a cable guide 24 formed to undergo a bending deformation about a plurality of parallel axes and only in a specified plane, the cable guide having a first end coupled to a slider 14 and a second end (not numbered, but shown connected to the fixing portion 20 and 20A), the cable guide having a guide passage (not numbered, but shown in figure 11) extending therethrough, portions of the guide passage at the first end of the cable guide communicating with a slider passage (not numbered, but defined by 22 and 22A), whereby the slider 14 and the cable guide 24 and the fixing portion 20 and 20A guide the cable introduced through the passages therein through a controlled bending deformation between the slider and the fixing portion, the cable guide 24 comprises a plurality of substantially tubular links 26.

It would have been obvious to one of ordinary skill in the art to provide Japanese Patent Publication No. 2002-002288 with a cable guide, as taught by Gordon, to protect the cable as it moves between the slider and the fixed portion.

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Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 2002-002288 in view of Gordon as applied to claims 1, 2 and 5-8, and further in view of Ayrán. Japanese Patent Publication No. 2002-002288, as modified above, is silent concerning the particular construction of the slider and rail side engaging portion.

However, Ayrán discloses a rail 9a and a slider L<sub>1</sub> comprising a rail-side engaging portion (not numbered, but shown in figure 2) and a slider-side engaging portion (not numbered, but shown in figure 2) engageable with each other to slidably hold the slider, wherein the slider-side engaging portion has engaging grooves (not numbered, but shown in figure 8), and the rail-side engaging portion has engaging projections (not numbered, but shown in figure 8) that fit in the engaging grooves of the slider-side engaging portion and extending along a longitudinal direction of the rail.

It would have been obvious to one of ordinary skill in the art to provide Japanese Patent Publication No. 2002-002288, as modified above, with a guide rail and slider engagement, as taught by Ayrán, to ensure the proper movement of the slider along the rail.

### ***Response to Arguments***

Applicant's arguments filed May 24, 2006 have been fully considered but they are moot in view of the new grounds of rejection.



***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended claim 1 to at least include the new limitation of a cable guide formed to undergo a bending formation about a plurality of parallel axes. See claim 1, lines 10-11. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", written in a cursive style.

Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
August 3, 2006